

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

J.E.F.M., a minor, by and through his Next
Friend, Bob Ekblad, et al.,

No. 2:14-cv-01026

Plaintiffs-Petitioners,

DEFENDANTS' ANSWER

v.

Eric H. HOLDER, Attorney General, United
States, et al.,

Defendants-Respondents.

I. Preliminary Statement

1. This paragraph consists of Plaintiffs' characterization of the lawsuit and, accordingly, no response is required. To the extent that the Court requires a response, Defendants deny the allegations in this paragraph.

2. This paragraph consists of Plaintiffs' characterization of the lawsuit and, accordingly, no response is required. To the extent that the Court requires a response, Defendants deny the allegations in this paragraph.

3. This paragraph consists of Plaintiffs' characterization of the lawsuit and legal conclusions to which no response is required. To the extent that the Court requires a response, Defendants deny the allegations in this paragraph.

1 **4.** This paragraph consists of Plaintiffs' characterization of the lawsuit and legal
2 conclusions to which no response is required. To the extent that the Court requires a response,
3 Defendants deny the allegations in this paragraph.

4 **5.** This paragraph consists of Plaintiffs' characterization of the lawsuit and,
5 accordingly, no response is required. To the extent that the Court requires a response,
6 Defendants deny the allegations in this paragraph.

7 **6.** This paragraph consists of Plaintiffs' characterization of the lawsuit and legal
8 conclusions to which no response is required. To the extent that the Court requires a response,
9 Defendants deny the allegations in this paragraph.

10
11 **II. Jurisdiction and Venue**

12 **7.** Defendants admit the allegations in this paragraph.

13 **8.** Defendants deny that the statutory provisions listed in this paragraph provide
14 the Court with subject matter jurisdiction over the claims made in this lawsuit.

15 **9.** Defendants admit that the Court has personal jurisdiction over Defendants in
16 the Western District of Washington.

17 **10.** This paragraph contains legal conclusions to which no response is necessary.
18 To the extent that the Court requires a response, Defendants deny the allegations in this
19 paragraph.

20 **11.** This paragraph contains legal conclusions to which no response is necessary.
21 To that the Court requires a response, Defendants deny the allegations in this paragraph.

22 **12.** Defendants admit the allegations in the first sentence of this paragraph.
23 Defendants lack sufficient information to admit or deny the allegations in the second sentence
24 of this paragraph, except that Defendants deny that Plaintiffs J.E.F.M., J.F.M., and D.G.F.M.,
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1 have removal proceedings scheduled because those proceedings have been administratively
2 closed. Defendants deny the allegations in the third sentence of this paragraph.

3 **III. Parties**

4 **A. Plaintiffs**

5 **13.** Defendants admit that Plaintiff J.E.F.M. is a native and citizen of El Salvador,
6 but deny that he is 10 years old. Defendants lack sufficient information to admit or deny the
7 allegations in the second sentence of this paragraph. Defendants admit the allegations in the
8 third and fourth sentences of this paragraph. Defendants deny the allegations in the fifth
9 sentence of this paragraph because Plaintiff J.E.F.M.'s removal proceedings have been
10 administratively closed. Defendants lack sufficient information to admit or deny the
11 allegations in the sixth sentence of this paragraph.

12 **14.** Defendants admit that Plaintiff J.F.M. is a native and citizen of El Salvador
13 and that he is the older brother of J.E.F.M., but deny that he is 13 years old. Defendants lack
14 sufficient information to admit or deny the allegations in the third sentence of this paragraph.
15 Defendants admit the allegations in the fourth and fifth sentences of this paragraph.
16 Defendants deny the allegations in the sixth sentence of this paragraph because Plaintiff
17 J.F.M.'s removal proceedings have been administratively closed. Defendants lack sufficient
18 information to admit or deny the allegations in the seventh sentence of this paragraph.

19 **15.** Defendants admit the allegations in the first and second sentences of this
20 paragraph. Defendants lack sufficient information to admit or deny the allegations in the third
21 sentence of this paragraph. Defendants admit the allegations in the fourth and fifth sentences
22 of this paragraph. Defendants deny the allegations in the sixth sentence of this paragraph
23 because Plaintiff D.G.F.M.'s removal proceedings have been administratively closed.
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1 Defendants lack sufficient information to admit or deny the allegations in the seventh
2 sentence of this paragraph.

3 **16.** Defendants admit that Plaintiff F.L.B. is a native and citizen of Guatemala, but
4 deny that he is 15 years old. Defendants lack sufficient information to admit or deny the
5 allegations in the second sentence of this paragraph. Defendants admit the allegations in the
6 third sentence of this paragraph. Defendants admit that Plaintiff F.L.B. had a master calendar
7 hearing in his removal proceedings on May 20, 2015. Defendants aver further that Plaintiff
8 F.L.B.'s next master calendar hearing is scheduled for August 17, 2016. Defendants admit
9 that F.L.B.'s hearings are set in Seattle, Washington, but Defendants lack sufficient
10 information to admit or deny the allegation as to Plaintiff F.L.B.'s current representation
11 status. Defendants admit the allegations in the sixth sentence of this paragraph. Defendants
12 lack sufficient information to admit or deny the allegations in the seventh sentence of this
13 paragraph.
14

15
16 **17.** The Court dismissed the claims of Plaintiff G.D.S. on April 13, 2015.

17 **18.** Defendants admit that Plaintiff M.A.M. is a native and citizen of Honduras but
18 deny that he is 16 years old. Defendants lack sufficient information to admit or deny the
19 allegations in the second and third sentences of this paragraph. Defendants admit the
20 allegations in the fourth sentence of this paragraph. Defendants admit that Plaintiff M.A.M.
21 had a master calendar hearing on November 20, 2014 and Defendants aver further that
22 Plaintiff M.A.M's next master calendar hearing is set for October 15, 2015. Defendants admit
23 the first part of the fifth sentence, but lack sufficient information as to his current
24 representation status. Defendants admit the allegations in the sixth sentence of this paragraph.
25

26 **19.** Plaintiff S.R.I.C. was voluntarily dismissed from this case. ECF No. 170.

1 **20.** Plaintiff G.M.G.C. was voluntary dismissed from this case. ECF No. 170.

2 **21.** The Court dismissed the claims of Plaintiff A.E.G.E. on April 13, 2015.

3 **22.** The Court dismissed the claims of Plaintiff G.J.C.P. on April 13, 2015.

4 **23.** Defendants admit the allegations in the first sentence of this paragraph.

5 Defendants lack sufficient information to admit or deny the allegations in the second sentence
6 of this paragraph. Defendants admit the allegations in the third sentence of this paragraph and
7 aver that Plaintiff J.E.V.G.'s immigration proceedings were reopened on January 29, 2015.
8 Defendants deny the allegations in the fourth sentence of this paragraph because Plaintiff
9 J.E.V.G. has found counsel to represent him in his removal proceedings. Defendants admit the
10 allegations in the fifth sentence of this paragraph.
11

12 **B. Defendants**

13 **24.** Defendants deny the first sentence of this paragraph. On May 5, 2015, the
14 Court substituted Loretta E. Lynch for Eric H. Holder as Attorney General of the United
15 States pursuant to Federal Rule of Civil Procedure 25(d). Taking this substitution into
16 account, Defendants admit the remaining allegations in this paragraph.
17

18 **25.** Defendants admit the allegations in this paragraph.

19 **26.** Defendants admit the allegations in this paragraph.

20 **27.** Defendants deny that Thomas S. Winkowski is the head of U.S. Immigration
21 and Customs Enforcement ("ICE"). On December 16, 2014, Sarah R. Saldaña was confirmed
22 as the Assistant Secretary for ICE. Defendants admit that ICE enforces immigration and
23 customs laws, and denies the remaining allegations in the first sentence. Defendants admit
24 the remaining allegations in this paragraph.
25

26 **28.** Defendants admit the allegations in this paragraph.

1 **29.** Defendants deny that Eskinder Negash is the Director of the Office of Refugee
2 Resettlement (“ORR”). Robert Carey is the Director of ORR. Defendants admit the
3 remaining allegations in this paragraph.

4 **30.** Defendants admit that that Bryan Wilcox is the Acting Field Office Director
5 for the Seattle Field Office of ICE and is sued in his official capacity, but deny that the office
6 has custody of any of the named Plaintiffs.

7 **31.** Defendants admit that that Lisa McDaniel is the Field Office Director for the
8 Seattle Field Office of ICE and is sued in her official capacity, but deny that the office has
9 custody of the named Plaintiffs.

10
11 **IV. Factual Background**

12 **A. Children Facing Deportation**

13 **32.** This paragraph consists of Plaintiffs’ characterization of the lawsuit and,
14 accordingly, no response is required. To the extent that the Court requires a response,
15 Defendants lack sufficient information to admit or deny the general allegations in this
16 paragraph.

17 **33.** Defendants lack sufficient information to admit or deny the allegations in this
18 paragraph.

19 **34.** Defendants deny the allegations in this paragraph.

20
21 **B. The Structure of Immigration Proceedings for Children**

22 **35.** This paragraph contains Plaintiffs’ general characterizations of removal
23 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
24 respond to the allegations in this paragraph. To the extent that the Court requires a response,
25 Defendants deny these allegations.
26

1 **36.** This paragraph contains Plaintiffs' general characterizations of immigration
2 law rather than specific alleged facts and, accordingly, Defendants are not required to respond
3 to the allegations in this paragraph. To the extent that the Court requires a response,
4 Defendants deny these allegations.

5 **37.** This paragraph contains Plaintiffs' general characterizations of removal
6 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
7 respond to the allegations in this paragraph. To the extent that the Court requires a response,
8 Defendants deny these allegations.

9 **38.** This paragraph contains Plaintiffs' general characterizations of removal
10 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
11 respond to the allegations in this paragraph. To the extent that the Court requires a response,
12 Defendants deny these allegations.

13 **39.** This paragraph contains Plaintiffs' general characterizations of removal
14 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
15 respond to the allegations in this paragraph. To the extent that the Court requires a response,
16 Defendants deny these allegations.

17 **40.** This paragraph contains Plaintiffs' general characterizations of removal
18 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
19 respond to the allegations in this paragraph. To the extent that the Court requires a response,
20 Defendants deny these allegations.

21 **41.** Defendants lack sufficient knowledge or information to admit or deny the
22 broad generalizations made in this paragraph. .

23 **42.** Defendants lack specific knowledge or information to admit or deny the
24
25
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1 conclusions in this paragraph. Defendants aver further that the cited authorities speak for
2 themselves.

3 **43.** This paragraph contains Plaintiffs' general characterizations of removal
4 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
5 respond to the allegations in this paragraph. To the extent that the Court requires a response,
6 Defendants deny these allegations. Defendants aver further that the cited authorities speak for
7 themselves.
8

9 **44.** This paragraph contains Plaintiffs' general characterizations of removal
10 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
11 respond to the allegations in this paragraph. To the extent that the Court requires a response,
12 Defendants admit these allegations.
13

14 **45.** This paragraph contains Plaintiffs' general characterizations of removal
15 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
16 respond to the allegations in this paragraph. To the extent that the Court requires a response,
17 Defendants deny these allegations. Defendants aver further that the cited authorities speak for
18 themselves.
19

20 **46.** This paragraph contains Plaintiffs' general characterizations of removal
21 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
22 respond to the allegations in this paragraph. To the extent that the Court requires a response,
23 Defendants deny these allegations. Defendants aver further that the cited authorities speak for
24 themselves.
25

26 **47.** This paragraph contains Plaintiffs' general characterizations of removal
proceedings rather than specific alleged facts and, accordingly, Defendants are not required to

1 respond to the allegations in this paragraph. To the extent that the Court requires a response,
2 Defendants deny these allegations. Defendants aver further that the cited authorities speak for
3 themselves. Additionally, Defendants lack specific knowledge or facts concerning the
4 Plaintiffs' abilities to comprehend their removal proceedings.

5
6 **48.** This paragraph contains Plaintiffs' general characterizations of removal
7 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
8 respond to the allegations in this paragraph. To the extent that the Court requires a response,
9 Defendants deny these allegations.

10 **49.** This paragraph contains Plaintiffs' general characterizations of removal
11 proceedings, and the issues in this case, rather than specific alleged facts. Accordingly,
12 Defendants are not required to respond to the allegations in this paragraph. To the extent that
13 the Court requires a response, Defendants deny these allegations.

14
15 **50.** This paragraph contains Plaintiffs' general characterizations of removal
16 proceedings, and the issues in this case, rather than specific alleged facts. Accordingly,
17 Defendants are not required to respond to the allegations in this paragraph. To the extent that
18 the Court requires a response, Defendants deny these allegations.

19 **51.** This paragraph contains Plaintiffs' general characterizations of removal
20 proceedings, and the issues in this case, rather than specific alleged facts. Accordingly,
21 Defendants are not required to respond to the allegations in this paragraph. To the extent that
22 the Court requires a response, Defendants deny these allegations. Additionally, on April 13,
23 2015, the Court held that it lacked jurisdiction to consider claims filed by Plaintiffs who have
24 already been ordered removed in absentia. *See* Order at 11, ECF No. 114.
25

26 **C. The Federal Government's Response to the Legal Needs of Children**

1 **Facing Deportation**

2 **52.** This paragraph contains Plaintiffs' general characterizations of removal
3 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
4 respond to the allegations in this paragraph. To the extent that the Court requires a response,
5 Defendants deny these allegations. Defendants aver further that the cited publications speak
6 for themselves.
7

8 **53.** Defendants lack specific knowledge or facts to admit or deny the allegation in
9 the first sentence of this paragraph. Defendants admit the Government has prioritized the
10 scheduling of initial master calendar hearings for removal proceedings of certain recent
11 entrants into the United States, but deny that the removal proceedings of these individuals as a
12 whole are otherwise "expedited." Defendants aver further that the cited publications speak for
13 themselves.
14

15 **54.** Defendants admit the allegations in the first sentence. Defendants aver that the
16 unknown sources referenced in the second sentence speak for themselves. To the extent that
17 the court requires a response to the allegations in the second sentence, Defendants deny these
18 allegations. Defendants admit that some unrepresented children have been granted voluntary
19 departure or have been ordered removed either in absentia or at the conclusion of removal
20 proceedings.
21

22 **55.** This paragraph contains Plaintiffs' general characterizations of removal
23 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
24 respond to the allegations in this paragraph. To the extent that the Court requires a response,
25 Defendants deny these allegations. Defendants aver further that the cited publications speak
26 for themselves.

1 **56.** Defendants lack specific information to admit or deny the allegations in this
2 paragraph. To the extent that the Court requires a response, Defendants deny the allegations in
3 this paragraph.

4 **57.** This paragraph contains Plaintiffs' general characterizations and predictions
5 about the government's efforts to provide children with legal representation in removal
6 proceedings rather than specific alleged facts. Accordingly, no response is required. To the
7 extent that the Court requires a response, Defendants admit that the Government has programs
8 in Houston and Los Angeles to pay for legal representation of some children but denies that
9 these programs were recently initiated. Defendants lack sufficient information to admit or
10 deny the remaining allegations in this paragraph.

11 **58.** Defendants aver that the letter referenced in this paragraph urged Defendants
12 to take measures to ensure that indigent children are provided legal representation. Defendants
13 admit the remaining allegations in this paragraph.

14 **59.** The Defendants admit the allegations in this paragraph.

15 **60.** Defendants lack specific knowledge or facts to admit or deny the allegations in
16 the first sentence of this paragraph. Defendants deny the allegations in the second sentence.
17 Defendants admit that the justiceAmericorps program provides legal representation to
18 unaccompanied children who are under the age of 16 but deny the remaining allegations in
19 this paragraph. Defendants aver further that the cited publications speak for themselves.

20 **61.** Defendants aver that the cited Federal Register notice speaks for itself.

21 **62.** Defendants aver that the Federal Register notice cited in paragraph 61 speaks
22 for itself.

23 **63.** Defendants aver that the cited report speaks for itself.

1 **64.** Defendants aver that the citations speak for themselves.

2 **65.** This paragraph contains Plaintiffs' characterization of this lawsuit to which no
3 response is required. To the extent that the Court requires a response, Defendants deny the
4 allegations.

5 **D. The Plaintiffs**

6 **J.E.F.M.**

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8 **66.** Defendants admit that Plaintiff J.E.F.M. is a native and citizen of El Salvador,
9 but deny that he is 10 years old. Defendants lack sufficient information to admit or deny the
10 remaining allegations in this paragraph.

11 **67.** Defendants lack sufficient information to admit or deny the allegations in this
12 paragraph.

13 **68.** Defendants admit the allegations in the first sentence of this paragraph.
14 Defendants lack sufficient information to admit or deny the remaining allegations.

15 **69.** Defendants lack sufficient information to admit or deny the allegations in the
16 first sentence of this paragraph. Defendants admit the allegations in the second, third, and
17 fourth sentences of this paragraph. Defendants lack sufficient information to admit or deny
18 the remaining allegations in this paragraph. Defendants aver further that J.E.F.M.'s removal
19 proceedings were administratively closed on May 15, 2015.
20

21 **J.F.M.**

22 **70.** Defendants admit that Plaintiff J.F.M. is a native and citizen of El Salvador
23 and that he is the older brother of J.E.F.M., but deny that he is 13 years old. Defendants lack
24 sufficient information to admit or deny the remaining allegations in this paragraph.

25 **71.** Defendants aver that J.F.M.'s removal proceedings were administratively
26

1 closed on May 15, 2015.

2 **D.G.F.M.**

3 **72.** Defendants admit that Plaintiff D.G.F.M. is a native and citizen of El Salvador
4 and that she is the older sister of J.E.F.M. and J.F.M. Defendants lack sufficient information
5 to admit or deny the remaining allegations in this paragraph.

6 **73.** Defendants aver that D.G.F.M.'s removal proceedings were administratively
7 closed on May 15, 2015.

8 **F.L.B.**

9 **74.** Defendants admit that Plaintiff F.L.B. is a native and citizen of Guatemala, but
10 deny that he is 15 years old. Defendants lack specific information to admit or deny the
11 remaining allegations in this paragraph.

12 **75.** Defendants lack specific information to admit or deny the allegations in this
13 paragraph.

14 **76.** Defendants admit that Plaintiff F.L.B. was apprehended by the Border Patrol in
15 August 2013, and that he was later placed in the custody of ORR, but lack specific
16 information to admit or deny the remaining allegations in this paragraph.

17 **77.** Defendants admit the allegations in the first two sentences of this paragraph.
18 Defendants lack specific knowledge or information to admit or deny the remaining allegations
19 in this paragraph, but acknowledge that Casey Trupin has appeared as Plaintiff F.L.B.'s next
20 friend.

21 **G.D.S.**

22 **78.** The Court dismissed the claims of Plaintiff G.D.S. on April 13, 2015.

23 **79.** The Court dismissed the claims of Plaintiff G.D.S. on April 13, 2015.

1 **80.** The Court dismissed the claims of Plaintiff G.D.S. on April 13, 2015.

2 **M.A.M.**

3 **81.** Defendants admit that Plaintiff M.A.M. is a native and citizen of Honduras but
4 deny that he is 16 years old. Defendants lack sufficient information to admit or deny the
5 remaining allegations in this paragraph.

6 **82.** Defendants lack sufficient information to admit or deny the allegations in this
7 paragraph.

8 **83.** Defendants lack sufficient information to admit or deny the allegations in this
9 paragraph.

10 **84.** Defendants admit that ICE arrested M.A.M. in September 2011 after he was
11 released from local law enforcement custody and placed him into removal proceedings.

12 Defendants admit that ICE then released M.A.M. to his mother.

13 **85.** Defendants admit that the Los Angeles Immigration Court has held multiple
14 master calendar hearings during which M.A.M. was unrepresented by counsel. The
15 Defendants deny the allegations in the second sentence of this paragraph and aver further that
16 M.A.M.'s next master calendar hearing is scheduled for October 15, 2015. Defendants lack
17 sufficient information to admit or deny the remaining allegations in this paragraph.

18 **86.** Defendants admit that Rosa Pedro has appeared as M.A.M.'s next friend, but
19 lack specific knowledge or facts to admit or deny the remaining allegations in this paragraph.

20 **S.R.I.C.**

21 **87.** Plaintiff S.R.I.C. was voluntary dismissed from this case. ECF No. 170.

22 **88.** Plaintiff S.R.I.C. was voluntary dismissed from this case. ECF No. 170.

23 **89.** Plaintiff S.R.I.C. was voluntary dismissed from this case. ECF No. 170.

1 **90.** Plaintiff S.R.I.C. was voluntary dismissed from this case. ECF No. 170.

2 **91.** Plaintiff S.R.I.C. was voluntary dismissed from this case. ECF No. 170.

3 **92.** Plaintiff S.R.I.C. was voluntary dismissed from this case. ECF No. 170.

4 **G.M.G.C.**

5 **93.** Plaintiff G.M.G.C. was voluntary dismissed from this case. ECF No. 170.

6 **94.** Plaintiff G.M.G.C. was voluntary dismissed from this case. ECF No. 170.

7 **95.** Plaintiff G.M.G.C. was voluntary dismissed from this case. ECF No. 170.

8 **96.** Plaintiff G.M.G.C. was voluntary dismissed from this case. ECF No. 170.

9 **97.** Plaintiff G.M.G.C. was voluntary dismissed from this case. ECF No. 170.

10 **98.** Plaintiff G.M.G.C. was voluntary dismissed from this case. ECF No. 170.

11 **A.E.G.E.**

12 **99.** The Court dismissed the claims of Plaintiff A.E.G.E. on April 13, 2015.

13 **100.** The Court dismissed the claims of Plaintiff A.E.G.E. on April 13, 2015.

14 **101.** The Court dismissed the claims of Plaintiff A.E.G.E. on April 13, 2015.

15 **G.J.C.P.**

16 **102.** The Court dismissed the claims of Plaintiff G.J.C.P. on April 13, 2015.

17 **103.** The Court dismissed the claims of Plaintiff G.J.C.P. on April 13, 2015.

18 **104.** The Court dismissed the claims of Plaintiff G.J.C.P. on April 13, 2015.

19 **105.** The Court dismissed the claims of Plaintiff G.J.C.P. on April 13, 2015.

20 **106.** The Court dismissed the claims of Plaintiff G.J.C.P. on April 13, 2015.

21 **107.** The Court dismissed the claims of Plaintiff G.J.C.P. on April 13, 2015.

22 **108.** The Court dismissed the claims of Plaintiff G.J.C.P. on April 13, 2015.

23 **J.E.V.G.**

1 **109.** Defendants admit the allegations in in the first sentence of this paragraph.
2 Defendants lack sufficient knowledge or facts to admit or deny the remaining allegations in
3 this paragraph.

4 **110.** Defendants admit that Plaintiff J.E.V.G. was apprehended in Texas in July
5 2014, and that he was placed in ORR custody, but lack specific information to admit or deny
6 the remaining allegations in this paragraph.

7
8 **111.** Defendants admit that Plaintiff J.E.V.G. was ordered removed in absentia in
9 September 2014, and aver that his proceedings were reopened in January 2015. Defendants
10 aver further that Plaintiff J.E.V.G. is now represented by counsel. ECF No. 139. Defendants
11 deny the remaining allegations in this paragraph.

12 **112.** Defendants aver that J.E.V.G. is now represented by counsel in his removal
13 proceedings, and deny the allegations in this paragraph.

14
15 **V. Legal Background**

16 **113.** This paragraph contains Plaintiffs' legal arguments and characterization of the
17 case, to which no response is required.

18 **114.** This paragraph contains Plaintiffs' legal arguments and characterization of the
19 case, to which no response is required. Defendants aver further the legal provisions speak for
20 themselves.

21 **115.** This paragraph contains Plaintiffs' legal arguments and characterization of the
22 case, to which no response is required. Defendants aver further the legal provisions speak for
23 themselves.

24 **116.** This paragraph contains Plaintiffs' legal arguments and characterization of the
25 case, to which no response is required. Defendants aver further the legal provisions speak for
26

1 themselves.

2 **117.** This paragraph contains Plaintiffs' legal arguments and characterization of the
3 case, to which no response is required. Defendants aver further the legal provisions speak for
4 themselves.

5 **VI. Class Action Allegations**

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7 **118.** Defendants admit that Plaintiffs seek to certify a class, but deny that
8 certification of the proposed class is permissible under the Federal Rules of Civil Procedure.

9 **119.** Defendants admit that Plaintiffs seek to certify a class, but deny that
10 certification of the proposed class is permissible under the Federal Rules of Civil Procedure.

11 **120.** Defendants admit that Plaintiffs seek to certify a class, but deny that
12 certification of the proposed class is permissible under the Federal Rules of Civil Procedure.

13 **121.** Defendants admit that Plaintiffs seek to certify a class, but deny that
14 certification of the proposed class is permissible under the Federal Rules of Civil Procedure.

15 **122.** Defendants admit that Plaintiffs seek to certify a class, but deny that
16 certification of the proposed class is permissible under the Federal Rules of Civil Procedure.

17 **123.** Defendants admit the allegations in this paragraph.

18 **124.** Defendants deny the allegations in this paragraph.

19 **125.** Defendants deny the allegations in this paragraph.

20
21 **VII. Claims for Relief**

22
23 **FIRST CAUSE OF ACTION**

24 **Violation of the Immigration and Nationality Act**

25 **(Against all Defendants by All Plaintiffs)**

26 **126.** Defendants incorporate their responses to each and every allegation contained

1 in the preceding paragraphs.

2 **127.** Defendants admit the allegations in the first two sentences of this paragraph,
3 but deny the allegations in the third sentence.

4 **128.** Defendants deny the allegations in this paragraph.

5
6 **SECOND CAUSE OF ACTION**

7 **Violation of the Due Process Clause of the Fifth Amendment**

8 **(Against All Defendants by All Plaintiffs)**

9 **129.** Defendants incorporate their responses to each and every allegation contained
10 in the preceding paragraphs.

11 **130.** Defendants deny the allegations in this paragraph.

12 **131.** Defendants deny the allegations in this paragraph.

13
14 **VIII. Prayer for Relief**

15 Defendants deny that Plaintiffs are entitled to relief requested.

16
17 **Affirmative Defenses**

18 The Court lacks subject matter jurisdiction over Plaintiffs' claims.

1 DATED: May 22, 2015

Respectfully Submitted,

2 BENJAMIN C. MIZER
3 Principal Deputy Assistant Attorney General

4 LEON FRESCO
5 Deputy Assistant Attorney General

6 WILLIAM C. PEACHEY
7 Director, District Court Section
8 Office of Immigration Litigation

9 COLIN A. KISOR
10 Deputy Director

11 EREZ R. REUVENI
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13 SARAH S. WILSON
14 Trial Attorney

15 s/ William C. Silvis
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26

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3 **CERTIFICATE OF SERVICE**

4 I HEREBY CERTIFY that on May 22, 2015, I electronically filed the foregoing with
5 the Clerk of the Court using the CM/ECF system, which will send notification of such filing
6 to all parties of record.
7

8 s/ William C. Silvis
9 WILLIAM C. SILVIS
10 Assistant Director
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